

FILED
U.S. DISTRICT COURT
SOUTHERN DIST. OF GA.
2011 MAR 31 AM 11:44

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

CLERK C. C. C. C.
SO. DIST. OF GA.

HOWARD HALEY,

Plaintiff,

vs.

CIVIL ACTION NO.: CV210-122

ANTHONY HAYNES; DEBORAH
FORSYTH; ROBERT COUSSON;
LISA OGNILLA; and FEDERAL
PRISON INDUSTRIES,

Defendants.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff filed a complaint on August 9, 2010, asserting equal protection and due process violations. (Doc. No. 1). On December 15, 2010, Defendants filed a Motion to Dismiss Plaintiff's complaint. (Doc. No. 19). Plaintiff responded to the Motion on March 1, 2011, and simultaneously filed a Motion to Amend his Complaint. (Doc. Nos. 26, 27). On March 21, 2011, this Court granted Plaintiff's Motion to Amend his complaint. (Doc. No. 29). The filing of an amended complaint renders a Motion to Dismiss on the original complaint moot. See Lowery v. Alabama Power Co., 483 F.3d 1184, 1219-1220 (11th Cir. 2007). Based on the foregoing, it is my **RECOMMENDATION** that Defendants' Motion to Dismiss be **DISMISSED** as moot.

SO REPORTED and RECOMMENDED, this 31st day of March, 2011.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE